

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
4 PEGGY S. RUFFRA
Supervising Deputy Attorney General
5 STAN HELFMAN, State Bar No. 49104
Supervising Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5854
Fax: (415) 703-1234
8 Email: Stan.Helfman@doj.ca.gov

9 Attorneys for Respondent

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 **JORGE GARCIA,**

Petitioner,

15
16 **v.**

17 **ROBERT HOREL, Warden,**

18 Respondent.
19

C 07-06012 JSW

**DECLARATION OF STAN
HELFMAN IN SUPPORT OF
MOTION FOR EXTENSION
OF TIME TO FILE ANSWER**

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21 Stan Helfman states under penalty of perjury:

22 (1) I am a Supervising Deputy Attorney General for the state of California and I
23 represent respondent in this matter.

24 (2) According to the Order to Show Cause, Garcia was convicted by a jury of
25 premeditated attempted murder, assault with a firearm, and various firearms and gang enhancements,
26 and was sentenced to twenty-five years to life in state prison.

27 (3) The California Court of Appeal affirmed the judgment and denied a habeas corpus
28 petition. According to Garcia's federal petition, the California Supreme Court denied a petition for

1 review.

2 (4) On November 28, 2007, petitioner, who is represented by counsel, filed a petition for
3 writ of habeas corpus in this Court.

4 (5) The petition makes numerous claims of prosecutorial misconduct, ineffective
5 assistance of counsel, and cumulative error.

6 (6) On November 29, 2007, this court issued an Order to Show Cause directing
7 respondent to file an answer. On March 7, 2008, this court modified the Order to Show Cause to
8 require filing of an Answer by April 27, 2008.

9 (7) Despite my best intentions, I have been unable to complete preparation of our
10 pleading. It was necessary for me to complete pleadings in *In re Greensweight*, A120041, *Dossman*
11 *v. Newland*, C 00-0384, *People v. Bucao*, H031455, *People v. Rutledge*, A115713, *People v.*
12 *Grimmer*, A118531, *Conti v. Evans*, C 05-2245, and *Espinoza v. Walker*, C 07-1741. At the same
13 time, in my capacity as a supervisor, it was necessary for me to review numerous lengthy draft
14 pleadings prepared by other deputies in this office. I must prepare pleadings in *People v. Primas*,
15 A116667, *Magraff v. Ayers*, CIV S 07-1121, *Townsend v. Adams*, C 07-04904. I am working on
16 *Primas*.

17 For the foregoing reasons, we respectfully request an extension of time of 60 days, to and
18 including June 26, 2008, in which to answer the petition.

19 (8) Upon receiving the Order to Show Cause and petition, I promptly ordered our state
20 files from record storage. I must review the materials in the files in order to respond to the petition.

21 (9) This is our first request for extension of time.

22 (10) On April 15, 2008, I informed petitioner's counsel, Paul McCarthy, (510-836-0100)
23 of this request and he stated he has no objection.

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1 Dated: April 17, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 PEGGY S. RUFFRA
7 Supervising Deputy Attorney General

8
9 /s/ Stan Helfman
10 STAN HELFMAN
Supervising Deputy Attorney General
11 Attorneys for Respondent

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